

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

No. 5:09-CV-00285-BO

CHOICE HOTELS INTERNATIONAL, INC.,)	
)	
Plaintiff)	
)	
v.)	
)	
SMITH HOTEL PROPERTIES, LLC and)	
WALTER SMITH,)	
)	
Defendants.)	

ORDER

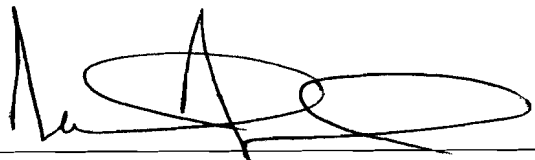
This matter comes before the Court on the Plaintiff's Motion for Entry of Default as to Smith Hotel Properties, LLC. Plaintiff, Choice Hotels International, Inc. (hereinafter, "Choice Hotels") has demonstrated, based on the records maintained by the Court, that Defendant Smith Hotel Properties, LLC is in Default. Specifically, the Record indicates:

1. Choice Hotels filed the Amended Complaint in this Action on August 20, 2009. [Doc. 5].
2. Choice Hotels effected service of process on Defendant Smith Hotel Properties, LLC on August 29, 2009. [Doc. 8].
3. On or about September 15, 2009, Defendant Walter Smith drafted a letter to counsel for Choice Hotels and sent a copy of the same to the Court. The Court construed the September 15, 2009 letter as the Answer of Defendant Walter Smith. [Doc. 10].
4. On January 26, 2010, the Court issued an Order advising Walter Smith and Smith Hotel Properties, LLC that Mr. Smith could not represent Smith Hotel Properties, LLC in this matter. [Doc. 23].

5. The Court's Order further stated "that Smith Hotel Properties, LLC shall obtain counsel, licensed to practice in North Carolina and admitted to this Court, who shall enter an appearance in this matter before February 19, 2010. Failure to obtain counsel may result in the entry of default against Smith Hotel Properties, LLC." [Doc. 23].
6. No appearance of counsel was entered on behalf of Smith Hotel Properties, LLC on or before the February 19, 2009 deadline.
7. As of the date Choice Hotels filed its Motion for Entry of Default, no attorney licensed to practice law in North Carolina and admitted to this Court had entered a Notice of Appearance on behalf of Defendant Smith Hotel Properties, LLC.
8. A show cause hearing was held on December 28, 2010 in Greenville, North Carolina. At the hearing, *pro se* Defendant Walter Smith appeared but failed to show good cause for Defendant Smith Hotel Properties, LLC's failure to retain counsel or otherwise defend this action.

For the reasons set forth above, **DEFAULT** is entered against Defendant Smith Hotel Properties, LLC, pursuant to Federal Rule of Civil Procedure 55(a).

This the 30th day of December, 2010.



DAVID W. DANIEL
United States Magistrate Judge